

May 1, 1981

LB 428, 472A

for guardian selection is to a parent. The parent is deemed to be the most appropriate person to be the guardian of an incapacitated individual. Thus, if we are talking say, for example, about a 25 or 27 year old person who might be mentally retarded or mentally deficient, the guardian that the court is most likely to appoint is the parent, because the parent has the first crack, so to speak, at being the guardian for that individual.

SENATOR SIECK: Thank you, Vard. This assures me that the parent would have full responsibility as long as he lives, and I feel this is necessary, because a lot of parents prefer to have the guardianship in their control, but I also recognize that many of the parents are gone, or many of the parents even refuse to take care of their individual, then I feel that that individual should have a right to have a guardianship and that is where this bill comes about. And I wholeheartedly support the bill. Thank you.

PRESIDENT: All right, Senator Johnson, you may close then.

SENATOR V. JOHNSON: I do want to make just one slight corrective statement. I said the parent has the first crack, actually if it is an adult incapacitated person, his wife or her husband has the first crack and then if such a person isn't available then it would be the parent. But it is a sound bill. It is commensurate or in keeping with the movement that has been developing in the American Bar Association to more carefully tailor and limit the guardianship process. And again I move its advancement.

PRESIDENT: All right, the question then is the advance of LB 428 to E & R Initial. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 27 ayes, 0 nays on the motion to advance the bill, Mr. President.

PRESIDENT: The motion carries and LB 428 is advanced to E & R Initial. Mr. Clerk, do you have the 472A to follow 472 next?

CLERK: Yes, Mr. President, if I may, 472A is offered by Senator Hoagland. (Read title.)

PRESIDENT: The Chair recognizes Senator Hoagland on 472A to follow the other bill.

SENATOR HOAGLAND: I don't have that bill before me, Mr. Clerk. Could you tell us what the appropriated amount is for this?